

Executive Summary – Enforcement Matter – Case No. 55226
Bell County Water Control & Improvement District No. 2
RN101610491
Docket No. 2017-1495-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Academy Plant, immediately west of State Highway 95 approximately 700 feet south of the intersection of State Highway 95 and Farm-to-Market Road 436, Little River, Bell County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: No

Texas Register Publication Date: January 19, 2018

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,375

Amount Deferred for Expedited Settlement: \$2,475

Total Paid to General Revenue: \$9,900

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major/Minor Source: Minor

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 4, 2017

Date(s) of NOE(s): September 18, 2017

Executive Summary – Enforcement Matter – Case No. 55226
Bell County Water Control & Improvement District No. 2
RN101610491
Docket No. 2017-1495-MWD-E

Violation Information

During a record review conducted on August 4, 2017, an investigator documented that the Respondent failed to comply with permitted effluent limitations for total suspended solids and *Escherichia coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011090001, Final Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent within 130 days to submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011090001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Larry Butler, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2543; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Ronald White, Jr., President, Bell County Water Control & Improvement District No. 2, P.O. Box 338, Little River Academy, Texas 76554-0038

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	25-Sep-2017	Screening	2-Oct-2017	EPA Due	
	PCW	16-Oct-2017				

RESPONDENT/FACILITY INFORMATION

Respondent	Bell County Water Control & Improvement District No. 2		
Reg. Ent. Ref. No.	RN101610491		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	55226	No. of Violations	2	
Docket No.	2017-1495-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Larry Butler	
		EC's Team	Enforcement Team 3	
Admin. Penalty \$ Limit Minimum		\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	65.0%	Adjustment	Subtotals 2, 3, & 7	\$4,875
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Notes: Enhancement for four months of self-reported effluent violations, one Agreed Order containing a denial of liability, and one Agreed Order without a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$2,918	*Capped at the Total EB \$ Amount		
Estimated Cost of Compliance	\$25,000			

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$12,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,375
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,475
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$9,900
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Screening Date 2-Oct-2017

Docket No. 2017-1495-MWD-E

PCW

Respondent Bell County Water Control & Improvement District No. 2

Policy Revision 4 (April 2014)

Case ID No. 55226

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610491

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for four months of self-reported effluent violations, one Agreed Order containing a denial of liability, and one Agreed Order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 2-Oct-2017

Docket No. 2017-1495-MWD-E

PCW

Respondent Bell County Water Control & Improvement District No. 2

Policy Revision 4 (April 2014)

Case ID No. 55226

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610491

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011090001, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the month of May 2016.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,918

Violation Final Penalty Total \$6,188

This violation Final Assessed Penalty (adjusted for limits) \$6,188

Economic Benefit Worksheet

Respondent Bell County Water Control & Improvement District No. 2
Case ID No. 55226
Reg. Ent. Reference No. RN101610491
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	31-May-2016	30-Sep-2018	2.33	\$2,918	n/a	\$2,918

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary adjustments or repairs to achieve compliance with permitted effluent limitations. Date required is the end date of the first month of noncompliance. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$2,918

Screening Date 2-Oct-2017

Docket No. 2017-1495-MWD-E

PCW

Respondent Bell County Water Control & Improvement District No. 2

Policy Revision 4 (April 2014)

Case ID No. 55226

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610491

Media [Statute] Water Quality

Enf. Coordinator Larry Butler

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011090001, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

120 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended for the quarters containing the months of June 2016 and January, February, and March 2017.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,188

This violation Final Assessed Penalty (adjusted for limits) \$6,188

Economic Benefit Worksheet

Respondent Bell County Water Control & Improvement District No. 2
Case ID No. 55226
Reg. Ent. Reference No. RN101610491
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs are captured in Economic Benefit No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Bell County Water Control & Improvement District No. 2
 RN101610491; Docket No. 2017-1495-MWD-E
 TPDES Permit No. WQ0011090001

Effluent Parameter Violation Table

	Total Suspended Solids		<i>Escherichia coli</i>	
	Daily Average	Single Grab	Daily Average	Single Grab
Month/Year	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 126 CFU/100 ml	Limit = 399 CFU/100 ml
May 2016	21.25	c	609	2,420
June 2016	20.6	c	c	c
January 2017	25.75	c	c	c
February 2017	48.75	68	c	c
March 2017	33.6	c	c	c

CFU/100 ml = colony forming units per 100 milliliters
 mg/L = milligrams per liter

c = compliant



TCEQ Compliance History Report

Compliance History Report for CN600737522, RN101610491, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator:	CN600737522, Bell County Water Control & Improvement District No. 2	Classification: SATISFACTORY	Rating: 2.40
Regulated Entity:	RN101610491, Academy Plant	Classification: SATISFACTORY	Rating: 5.28
Complexity Points:	4	Repeat Violator:	NO
CH Group:	08 - Sewage Treatment Facilities		
Location:	IMMEDIATELY WEST OF STATE HIGHWAY 95 APPROXIMATELY 700 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 95 AND FARM-TO-MARKET ROAD 436 IN BELL COUNTY, TEXAS		
TCEQ Region:	REGION 09 - WACO		
ID Number(s):	WASTEWATER PERMIT WQ0011090001	WASTEWATER EPA ID TX0020249	

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: October 02, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 02, 2012 to October 02, 2017

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Larry Butler

Phone: (512) 239-2543

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- | | | |
|---|--|---|
| 1 | Effective Date: 04/07/2013 | ADMINORDER 2011-1611-MWD-E (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | |
| | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: Eff. Lim. & Mon. Req. No.1 PERMIT | |
| | Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. | |
| 2 | Effective Date: 07/17/2015 | ADMINORDER 2014-0936-MWD-E (1660 Order-Agreed Order With Denial) |
| | Classification: Minor | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | |
| | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: Eff. Limitations&Monitoring Reqs. No. 1 PERMIT | |
| | Description: Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE §26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011090001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on May 28, 2014. | |
| | EFFLUENT VIOLATION TABLE | |
| | Permitted Effluent Limits | Monitoring Period |
| | April | |
| | 2013 May | |
| | 2013 June 2013 | August 2013 September |

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 11, 2013	(1079120)	Item 16	November 19, 2015	(1301984)
Item 2	March 18, 2013	(1089384)	Item 17	December 02, 2015	(1296532)
Item 3	April 12, 2013	(1095774)	Item 18	January 19, 2016	(1315698)
Item 4	August 20, 2013	(1125019)	Item 19	February 08, 2016	(1325089)
Item 5	January 10, 2014	(1153275)	Item 20	March 16, 2016	(1331818)
Item 6	August 20, 2014	(1198689)	Item 21	April 13, 2016	(1338981)
Item 7	September 16, 2014	(1195858)	Item 22	May 17, 2016	(1345781)
Item 8	October 09, 2014	(1212291)	Item 23	July 22, 2016	(1349070)
Item 9	November 17, 2014	(1218542)	Item 24	August 17, 2016	(1365621)
Item 10	February 18, 2015	(1242359)	Item 25	September 14, 2016	(1372321)
Item 11	April 16, 2015	(1255588)	Item 26	October 05, 2016	(1378499)
Item 12	May 14, 2015	(1262299)	Item 27	November 15, 2016	(1384457)
Item 13	May 20, 2015	(1252018)	Item 28	December 13, 2016	(1390594)
Item 14	July 16, 2015	(1277010)	Item 29	January 18, 2017	(1397210)
Item 15	September 02, 2015	(1283189)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 01/31/2017 (1404094)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 02/28/2017 (1411194)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 03/31/2017 (1417697)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 05/31/2017 (1431289)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BELL COUNTY WATER
CONTROL & IMPROVEMENT
DISTRICT NO. 2
RN101610491**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2017-1495-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bell County Water Control & Improvement District No. 2 (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located immediately west of State Highway 95 approximately 700 feet south of the intersection of State Highway 95 and Farm-to-Market Road 436 in Bell County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$12,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,900 of the penalty and \$2,475 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review conducted on August 4, 2017, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011090001, Final Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below.

Effluent Parameter Violation Table				
	Total Suspended Solids		<i>Escherichia coli</i>	
	Daily Average	Single Grab	Daily Average	Single Grab
Month/Year	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 126 CFU/100 ml	Limit = 399 CFU/100 ml
May 2016	21.25	c	609	2,420
June 2016	20.6	c	c	c
January 2017	25.75	c	c	c
February 2017	48.75	68	c	c
March 2017	33.6	c	c	c

CFU/100 ml = colony forming units per 100 milliliters
mg/L = milligrams per liter

c = compliant

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bell County Water Control & Improvement District No. 2, Docket No. 2017-1495-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011090001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

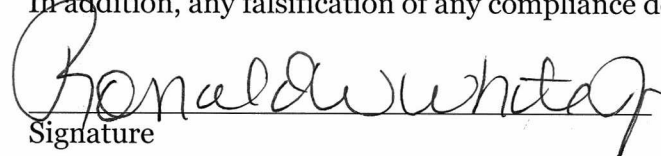
6/29/18
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

November 9, 2017
Date

Ronald W. White, Jr.
Name (Printed or typed)
Authorized Representative of
Bell County Water Control & Improvement District No. 2

President
Title

☐ If mailing address has changed, please check this box and provide the new address below: